

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

TOMMY L. FENLEY, WILLIAM PEVETO,	:	CASE NO. 2:15-cv-326
BROCKROBERT TAGAROOK and LEWIS	:	
WHITMIRE, individually and on behalf of all	:	COLLECTIVE & CLASS ACTION
persons similarly situated,	:	
	:	
Plaintiffs,	:	DISTRICT JUDGE GEORGE C. SMITH
	:	
v.	:	MAGISTRATE JUDGE
	:	KIMBERLY A. JOLSON
WOOD GROUP MUSTANG, INC.,	:	
	:	
Defendant.	:	
	:	

REPORT AND RECOMMENDATION

On July 10, 2019, a hearing was held before the Undersigned, and upon consideration of Plaintiffs’ Unopposed Motion for Final Approval of the Settlement Agreement and Approval of Attorneys’ Fees and Costs, the Court **RECOMMENDS GRANTING** Plaintiffs’ Motion and further **RECOMENDS** as follows:

1. The Parties’ Settlement Agreement is finally approved as fair, reasonable, and adequate pursuant to FED. R. CIV. P. 23(e), and a fair and reasonable resolution of a *bona fide* dispute under the Fair Labor Standards Act;
2. For settlement purposes only, the following Settlement Class is finally certified pursuant to FED. R. CIV. P. 23 and 29 U.S.C. § 216(b): All Plaintiffs, Opt-In Plaintiffs, and the certified State Law Classes¹;

¹ The State Law Classes means the group certified by the Court pursuant to Fed. R. Civ. P. 23 on March 30, 2018 (Doc. 126), which includes all current and former employees of Wood Group Mustang, Inc. who were classified with the pay code “DAY – Non Exempt Day Rate,” and who worked in WGM’s Pipeline Services Inspection Department as an inspector (or an equivalent position) in Ohio, Pennsylvania, and/or Illinois in any workweek during applicable Class Periods.

3. Plaintiffs Tommy L. Fenley, William Peveto, Brockrobert Tagarook, and Lewis Whitmire are approved as the Representatives of the Settlement Class;

4. Berger Montague PC is approved as Class Counsel for the Settlement Class;

5. Attorneys' fees in the amount of \$2,083,333.33 and costs not to exceed \$195,000.00 are approved;

6. RG2 Claims Administration LLC is approved as the Settlement Administrator, and the costs of claims administration not to exceed \$23,000 are approved;

7. The Court finds that dissemination of the Settlement Notice was accomplished as directed, constituted the best notice practicable under the circumstances, and met the requirements of due process;

8. The Court directs the settlement funds be distributed in accordance with the terms of the Settlement Agreement;

9. The Court hereby enters final judgment in this case and dismisses it with prejudice in accordance with the terms of the Settlement Agreement. There being no reason to delay entry of this Final Judgment, the Clerk of the Court is ordered to enter this Final Judgment forthwith pursuant to Rule 54(b) of the Federal Rules of Civil Procedure; and

10. Without affecting the finality of this Final Judgment in any way, the Court reserves exclusive and continuing jurisdiction over this action, the Named Plaintiffs, the certified Settlement Class, and Defendant for purposes of supervising the implementation and enforcement of the Settlement Agreement, this Order, and all settlement administration matters.

If any party seeks review by the District Judge of this Report and Recommendation, that party may, within fourteen (14) days, file and serve on all parties objections to the Report and Recommendation, specifically designating this Report and Recommendation, and the part thereof in question, as well as the basis for objection thereto. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b).

Response to objections must be filed within fourteen (14) days after being served with a copy thereof.
Fed. R. Civ. P. 72(b).

The parties are specifically advised that failure to object to the Report and Recommendation will result in a waiver of the right to *de novo* review by the District Judge and of the right to appeal the decision of the District Court adopting the Report and Recommendation. *See Thomas v. Arn*, 474 U.S. 140 (1985); *Smith v. Detroit Fed'n of Teachers, Local 231 etc.*, 829 F.2d 1370 (6th Cir. 1987); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

IT IS SO ORDERED.

Date: July 10, 2019

/s/ Kimberly A. Jolson
KIMBERLY A. JOLSON
UNITED STATES MAGISTRATE JUDGE